IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

TUESDAY, THE TWENTY SIXTH DAY OF OCTOBER
TWO THOUSAND AND FOUR

PRESENT

THE HON'BLE MR JUSTICE BILAL NAZKI

AND
THE HON'BLE MR JUSTICE S.ANANDA REDDY

WRIT PETITION NO : 17693 of 1995

Between:

Y.Narasimulu, S/o Y.Vijaya Kumar,
r/o H.No.13-1-179, Razdarkhanpet, Hyderabad

..... PETITIONER

AND

1 The Assistant Secretary, Regional Transport Authority, West Zone,

Mehdipatnam, Hyderabad
2 Joint Transport Commissioner & Secretary, Regional Transport

Authority, Hyderabad.
3 Transport Commissioner, A.P.Burgula Ramakrishna Rao Bhavan,
Hyderabad

.....RESPONDENTS

Petition under Article 226 of the Constitution of India praying that in the circumstances stated in the affidavit filed herein the High Court may be pleased to call for the records from the file of the respondent No.3 herein connected with procgs.No.47035/D2/95 along with the proceedings Memo No.3956/A1/HW/94 dated 24-10-1994 and proceedings No.48566/A7/94 dated 11-11-1994 of the respondents 1 and 2, respectively and quash the same by

issuing a writ of Certiorari or any other appropriate Writ, Order or direction

Counsel for the Petitioner: MR.NOUSHAD ALI

Counsel for the Respondent Nos.1 to 3: GP for Transport (R&B)

The Court made the following

ORDER: (per the Hon'ble Sri Justice Bilal Nazki. J)

Heard learned counsel for the parties.

Petitioner has challenged the demand notice dated 24.10.1994. After the demand notice was issued, the petitioner made representations before the second and third respondents, who have confirmed the demand. The petitioner submits that he had been charged with the tax for the period for which the vehicle was not in use. This has not been accepted by the authorities concerned. Whether the vehicle was in use or not in use is a question of fact. Even otherwise, in terms of the Rules under the Motor Vehicles Act, 1988, if a vehicle is kept out of use, it was the duty of the petitioner to inform, in writing, the authorities concerned. Since that has not been done, the authorities have to come to the conclusion that the vehicle was in use, which is a question of fact, we do not think it would be justified in interfering in the matter.

The writ petition is accordingly dismissed. No order as to costs.

(BILAL NAZKI. J)

---------- (S. ANANDA REDDY. J)

Date: 26.10.2004

KsId

To

1 The Assistant Secretary, Regional Transport Authority, West Zone,

Mehdipatnam, Hyderabad
2 Joint Transport Commissioner & Secretary, Regional Transport Authority,

Hyderabad
3 Transport Commissioner, A.P.Burgula Ramakrishna Rao Bhavan,
Hyderabad

4 Two CCs to GP for Transport(R&B), High Court buildings, Hyderabad (OUT)

5 Two CD copies.